

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL ESTRADA,

Defendants.

No. 01-0071 MV

**UNITED STATES' MOTION FOR CONTINUANCE
OF SENTENCING HEARING**

COMES NOW the United States of America, by and through Norman C. Bay, United States Attorney, and Terri J. Abernathy, Assistant United States Attorney, and asks the Court for an Order continuing the sentencing hearing presently scheduled on August 15, 2001.

As grounds therefor, the Government states as follows:

1. The Presentence Report in this case was received by the United States on July 6, 2001.

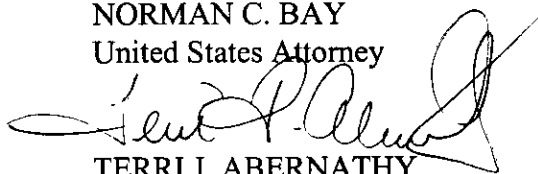
On August 8, 2001, the defendant filed a motion for downward departure. Sentencing in this matter is presently scheduled on August 15, 2001. The current setting will not provide the United States with adequate time to respond to the defendant's motion for downward departure. See D.N.M.L.R.- Crim 16.3 and D.N.M.L.R - Civ 7.6 (party has fourteen days to respond to motion). Counsel is currently preparing for trials on August 20, 2001 and August 27, 2001 and will be unable to file a response to the motion for downward departure prior to the August 15, 2001, hearing.

3. Defense counsel does not object to a continuance of the sentencing hearing.

WHEREFORE, the United States asks that the August 15, 2001, setting be vacated and this matter reset for sentencing on the Court's next Las Cruces docket, or as soon thereafter as the Court's calendar permits, to allow the United States adequate time to file a response to the defendant's motion for downward departure.

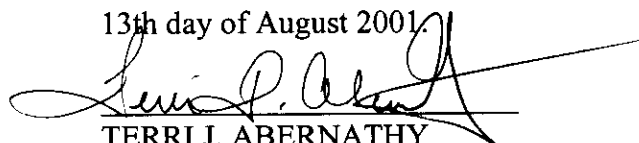
Respectfully submitted,

NORMAN C. BAY
United States Attorney



TERRI J. ABERNATHY
Assistant U.S. Attorney
555 S. Telshor, Suite 320
Las Cruces, New Mexico 88011
(505) 522-2304

I hereby certify that a true copy
of the foregoing pleading was
delivered to opposing counsel
of record, Dennis Candelaria, this
13th day of August 2001.



TERRI J. ABERNATHY
Assistant U.S. Attorney